

Competition Commission, 10,000,000 Hungarian Forint (~\$50,000), 2007-2008

Other Professional Activities

Associate Editor, *International Journal of Industrial Organization*, October 2005 - present.

Editorial Board, *Information Economics and Policy*, December 2007 - present.

Referee for *Econometrica*, *American Economic Review*, *Review of Economics Studies*,
RAND Journal of Economics, *Review of Economics and Statistics*,
Quantitative Marketing and Economics, *National Science Foundation*,
International Journal of Industrial Organization, *Journal of Industrial Economics*,
Journal of Applied Econometrics, *Information Economics and Policy*,
Management Science, *Southern Economic Journal*

2010 Presentations: LBS (1/10), UCL (4/10), Oxford (5/10), Invitational Choice
Conference (5/10), Manchester University (9/10), EIEF (Rome, 10/10),
University of Venice (10/10), University College Dublin (11/10).

2009 Presentations: ESMT, Berlin (5/09), CEPR IO, Mannheim (5/09),
University of Leuven (9/09), University of Toulouse (Econometrics Workshop and
Competition Policy Workshop), (11/09)

2008 Presentations: UK Competition Commission (1/08), Oxford University (1/08),
University of Warwick (1/08), University of Virginia (3/08), Industrial
Organization Society (5/08), NBER Summer Institute, IO Group (6/08),
6th Workshop in Media Economics, Zurich (10/08), Network of Industrial Economics,
London (12/08)

2007 Presentations: University of Pennsylvania (Wharton, 3/07), ESMT (Berlin, 4/07),
Northwestern University (5/07), Bates White Antitrust/Merger Conference (6/07),
University of Wisconsin, Madison (10/07), Duke University (Fuqua, 11/07)

2006 Presentations: AEA Meetings, Boston (1/06), Columbia (3/06), University of
Chicago Marketing (3/06), Bates White Antitrust/Merger Conference (6/06),
EARIE Amsterdam (8/06)

2005 Presentations: NBER Conferences on Regulation (2/05, 6/05), Econometric
Society World Congress, London (8/05)

2004 Presentations: Stanford University (3/04), CEPR "The Role of Competition
in the New Economy", Greece (5/04), Invitational Choice Conference
(6/04), FCC Symposium on 'A La Carte' MVPD Pricing (7/04)

Conference Organization: Triangle Applied Micro Conference, April
2000, Triangle Applied Micro Conference, May 1999 (co-organizer)

Attachment B

**List of (28) Broadcast Multicast Television Networks Included in Supplementary Analysis
(TMS Channel Call Signs)**

KGWDT2
KHOUDT2
KSTPDT2
WDSCDT2
WNYEDT2
WPBTDT2
WPMTDT3
WRTVDT2
WTVFDT2
WUFTDT2
WVITDT2
KBDIDT3
KBTCDT2
KUENDT2
WDSCDT3
WHTJDT3
WNEODT3
WNVC
WNVCDT
WNVCDT2
WNVCDT4
WNVCDT5
WNVIDT
WNVIDT2
WNVIDT4
WNVIDT5
WNVIDT6
WNVIDT7

Attachment C
List of (136) Television Networks Included as Sports Networks
(TMS Channel Names)

1. ESPN Family Networks (5)

ESPN
ESPN2
ESPNEWS
ESPN Classic
ESPNU

2. Sports Conference or League Networks (18)

Big Ten Network
Big Ten Network (Indiana)
Big Ten Network (Illinois)
Big Ten Network (Pennsylvania)
Big Ten Network (Minnesota)
Big Ten Network (Michigan)
Big Ten Network (Ohio)
Big Ten Network (Wisconsin)
Big Ten Network (Kentucky)
Big Ten Network Overflow
MLB Network
NBA TV
NBA On Demand¹⁹
NFL NETWORK
NFL RedZone
NFL SUNDAY TICKET RED ZONE
NFL On Demand
NHL Network

3. Regional Sports Networks (RSNs) (90)

¹⁹ I chose not to include channels NBA League Pass 1 – NBA League Pass 10 as I felt that would skew upward the number of offered sports networks in a way that would not match consumer perceptions. NBA League Pass is, in my opinion, more accurately perceived as a single additional sports network, not 10.

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Altitude Sports and Entertainment Networ
Comcast Houston CSS
Comcast Network (Mid-Atlantic)
Comcast Sports Southeast
Comcast Sports Southeast 2
Comcast SportsNet Bay Area
Comcast SportsNet Bay Area Plus 2
Comcast SportsNet Mid-Atlantic
Comcast SportsNet Mid-Atlantic (Washingt
Comcast SportsNet Mid-Atlantic Plus
Comcast SportsNet Northwest
Comcast SportsNet Philadelphia
Comcast SportsNet Plus 2
Comcast Sportsnet California
Comcast Sportsnet California No Kings 24
Comcast Sportsnet California No Kings Al
Comcast Sportsnet Chicago
Comcast Sportsnet Chicago Plus
Comcast Sportsnet New England
Comcast Sportsnet New England - Zone 1
Comcast Sportsnet New England Overflow
Comcast Sportsnet Plus
Cox Sports Television
Fox Sports Arizona (New Mexico North)
Fox Sports Arizona (New Mexico South)
Fox Sports Arizona - FSAZ
Fox Sports Carolinas-North Carolina West
Fox Sports Detroit - FSD
Fox Sports Detroit Plus
Fox Sports Florida
Fox Sports Florida (No. Florida feed)
Fox Sports Florida (Okeechobee)
Fox Sports Florida (South)
Fox Sports Houston
Fox Sports Indiana
Fox Sports Midwest

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Fox Sports Midwest (Kansas City)
Fox Sports Midwest (Kansas/Nebraska)
Fox Sports Net North (Metro)
Fox Sports Net North (Non-Metro & PPV)
Fox Sports Net North - Wisc.
Fox Sports Ohio
Fox Sports Ohio 1 (Cleveland feed)
Fox Sports Ohio 10 (Dayton)
Fox Sports Ohio 2 (Cincinnati feed)
Fox Sports Ohio 6 (Bowling Green, KY/Ind
Fox Sports Ohio 9 (Charleston/Huntington
Fox Sports Plus
Fox Sports Prime Ticket
Fox Sports South - Georgia
Fox Sports South - Kentucky
Fox Sports South - Main Feed
Fox Sports Southwest (Feed 6)
Fox Sports Southwest (Main Feed)
Fox Sports Southwest (No. La. feed)
Fox Sports Southwest (Zone 1)
Fox Sports Southwest (Zone 4)
Fox Sports Spokane
Fox Sports Tennessee
Fox Sports Tennessee Non Memp
Fox Sports Tennessee/Memphis
Fox Sports West
MASN - Mid Atlantic Sports Network
Mid Atlantic Sports Network Alternate
Madison Square Garden Network
MSG (Alt. feed) - MSG2 OVERFLOW
MSG PLUS Zone 2 Overflow
MSG Plus
Mountain West Sports Network
New England Sports Network
New England Sports Network Plus
ROOT Sports Northwest

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ROOT Sports Northwest (Alt.) - RTN1
ROOT Sports Northwest (Alt.) - RTN4
ROOT Sports Pittsburgh (Alt. feed)
ROOT Sports Pittsburgh (Main Transponder
ROOT Sports Rocky Mountain
ROOT Sports Rocky Mountain West
RTSU (ROOT Sports Rocky Mtn Utah)
SportSouth
SportSouth for Grizzlies
Sportsnet NY
Sun Sports
Sun Sports (Alt.) - SUN
Sun Sports (North Florida feed)
Sun Sports Marlins Alternate
Sun Sports North Black Out Rays
Sun Sports North Special Edit
Sun Sports South No Rays
Yankees Entertainment & Sports Network

4. Other Sports Networks (23)

BH CUST Indianapolis HomeTown Sports-Ind
CBS Sports Network
Eagles On Demand
Exercise On Demand
Fox College Sports - Atlantic
Fox College Sports - Central
Fox College Sports - Pacific
Fox Soccer Channel
Fox Soccer Plus
Fuel TV
The Golf Channel
GOL TV
GOLTV (English)
HRTV
Neo Cricket
Outdoor Channel

FOR PUBLIC INSPECTION

Speed Channel

Tennis Channel

The Sportsman Channel

TV Games Network

VERSUS

World Fishing Network (US)

World Fishing Network (Canada)

EXHIBIT B

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Complaint of)	
)	
BLOOMBERG L.P.)	MB Docket No. 11-104
)	
v.)	
)	
COMCAST CABLE COMMUNICATIONS, LLC)	
)	
)	
)	

DECLARATION OF JAMES TRAUTMAN

I, James Trautman, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge.

1. My name is James Trautman. My business address is 4582 S. Ulster Street Parkway, Suite 1340, Denver, CO 80112.

2. I am Managing Director of Bortz Media & Sports Group, Inc. In this capacity, I have provided business planning, business development, market research, and related analytical services to both cable programming networks and cable system operators. Over a period of 28 years, I have been retained to evaluate and/or assist more than 50 programming networks, and have been retained on multiple occasions by all of the three largest cable operators as well as the leading cable industry associations.

3. I have advised both networks and owners of programming with respect to the negotiation of agreements with distributors, including cable operators, and have been directly

involved in such negotiations. In addition, I have developed business plans for numerous “start-up” networks, as well as those in the early stage of growth, and assisted these networks in business development and implementation. In this capacity, I have specifically advised these networks with regard to the service tiers and programming packages that are realistically accessible to them, and to the benefits and limitations of these tiers/packages. This advice has included discussing the impact and importance of channel placement on cable systems. Finally, I have conducted research on behalf of and advised established programming networks on a wide range of matters including competitive strategy, market perceptions/positioning, and factors contributing to the value that they offer to distributors, including cable operators.

4. Separately, I have conducted research regarding the competitive, programming and packaging strategies of both cable operators and their competitors, in order to advise cable operators on these topics. These assignments have included evaluations of: (1) the programming, pricing, packaging and marketing strategies of competitors for the purposes of recommending corresponding strategies for cable operator clients; (2) the relative value of programming networks carried by the operators; and (3) the pricing and structure of overall program service offerings and tiers.

5. Based on this experience, I have substantial knowledge of the factors that programming networks consider in negotiating distribution agreements with cable operators. Similarly, I am aware of the factors that cable operators consider when choosing which networks to carry, and when designing channel lineups and programming packages. My curriculum vitae is included as Attachment A to this Declaration.

6. I was recently asked by Bloomberg L.P. (“Bloomberg”) to provide an industry expert’s perspective on the practice of “neighborhooding” by various multichannel video

programming distributors (MVPDs), and to develop an opinion as to whether Comcast Cable Communications, LLC (“Comcast”) should be viewed as engaging in this practice. Further, I was asked to opine on the alternative descriptions and definitions of news channel neighborhooding advanced by Bloomberg and Comcast in these proceedings. Finally, I was asked to provide an opinion on whether certain types of networks do or do not constitute “news channels” within the context of the news neighborhooding issues in this proceeding.

7. I have reviewed the Answer of Comcast in the above-captioned proceeding, including the Declaration of Michael Egan, the Declaration of Mark A. Israel and the Declaration of Jay Kreiling. In addition, I have reviewed the Complaint submitted by Bloomberg, along with the websites of selected MVPDs (including Comcast) and programming networks.

I. Definition of a Programming Neighborhood

8. I am not aware of a generally-accepted specific definition of the term neighborhooding within the subscription television industry. Even so, it is my experience that neighborhooding can and should be defined as the practice of grouping channels by programming genre in order to enhance and facilitate the subscriber viewing experience. In this respect, I generally concur with Comcast’s expert, Mr. Egan, who states that “neighborhoods of channels are designed to enhance the viewing experience by more easily allowing the user to remember ... where to go ‘on the dial’ for the genre he/she is seeking at the moment and then, once there, to easily ‘surf’ within the genre.”¹ Further, I believe, like the Commission, that a channel grouping may qualify as a neighborhood by either containing a significant number or a significant percentage of channels in a particular genre. To the extent that Mr. Egan contends that it is not necessary for a channel

¹ Egan Declaration at ¶ 12.

grouping to include a “fixed number of channels” in order for the grouping to achieve the objective of enhancing the viewing experience and thereby appropriately be considered a neighborhood, I agree with that view.² However, to the extent that Mr. Egan maintains that, in determining whether a channel grouping constitutes a neighborhood, one should look only to the percentage of channels of a particular genre that are in the channel grouping and ignore the number of channels of a particular genre that are in that grouping, I disagree with that view.

9. Based on the definition outlined above, it is my opinion that the Comcast news channel groupings identified by Bloomberg in Exhibit H of its Complaint would be recognized as neighborhoods by those in the MVPD industry. Channel groupings that feature at least four (and, on average, five) news channels either consecutively or within a grouping that contains only one non-news channel are clearly designed to enhance and facilitate the subscriber viewing experience by making it easier for subscribers to locate, remember the location of, and navigate these channels. A grouping of this size within the 1-100 channel range is especially significant because many cable subscribers are accustomed to tuning first to these channels when considering their viewing options and/or receive most of their channels within that range. In short, it is my opinion that these channel groupings contain a significant number of news channels.

10. Further, Exhibit H indicates that these channel groupings typically contain some or all of the most viewed news channels, including CNN, Fox News, HLN, CNBC and MSNBC. In my opinion, the presence of these “anchor networks” increases both the importance of the

² At the same time, I recognize that, for the purposes of a proceeding such as this one, it may be useful or necessary to establish a benchmark such as that suggested by Bloomberg in order to determine the presence and prevalence of news neighborhoods.

groupings from the perspective of subscribers and, correspondingly, increases the groupings' effectiveness in serving the purpose of a news neighborhood.

11. Moreover, I disagree with Comcast's assertion that a grouping of channels generally needs to include 10 or more channels, or to include two-thirds or more of a service provider's news channels, in order to be considered a neighborhood. Comcast notes that certain MVPDs (principally DIRECTV, DISH Network, Verizon FiOS and AT&T U-verse – none of which are traditional cable operators) offer news neighborhoods that feature 10 or more news channels. At the same time, Comcast's expert Mr. Egan acknowledges that of the rest of the Top 14 MVPDs (nearly all of which are traditional cable operators) only a select few provide news channel groupings that are this comprehensive. In so doing, neither Comcast nor Mr. Egan attempted to analyze (or at least did not report) the degree to which the rest of the Top 14 MVPDs utilize genre-based channel groupings in order to enhance the subscriber viewing experience in a manner similar to that employed by Comcast. To conclude that the practice of a minority of providers (each of which has key technological and market-positioning distinctions from Comcast) represents some sort of industry "standard" makes no sense. Rather, these providers are more appropriately viewed as operating at the industry "cutting edge" in terms of neighborhooding, while the much more common (and longstanding) practice of grouping smaller collections of channels by genre in the manner identified by Bloomberg on Comcast systems and the systems of other cable operators, such as Charter, Cox, and Cablevision, should logically be viewed as the "standard" for the determination of a neighborhood.

12. The above discussion highlights an important consideration about the distinctions between MVPDs and the ongoing evolution of program network packaging and neighborhooding in the MVPD industry. Exhibit E of Mr. Egan's Declaration is an AT&T Cable channel lineup from

2002 that illustrates this company's extensive use of genre-based channel groupings (i.e., neighborhoods) nearly a decade ago. Mr. Egan uses this attachment in an effort to illustrate that Comcast's programming lineups are "the vestiges of a practice abandoned when the cable systems evolved from analog to digital video distribution technology."³ However, it would appear that Comcast is still employing this practice (at least with respect to news channels); and that it has thus not been "abandoned."⁴ More importantly, the genre-based neighborhoods cited for selected MVPDs (e.g., DIRECTV, DISH Network, Verizon FiOS, and AT&T U-verse, etc.) merely reflect the ongoing evolution of the genre-grouping concept in instances where these providers have substantially increased the total number of channels included in selected programming packages.

13. Mr. Egan's Exhibit E also provides a clear illustration of the fact that groupings of four or more news channels in sequence almost invariably represent the result of a deliberate decision to organize channels by genre. It is my experience that this practice has existed within the MVPD industry for many years, is employed by many MVPDs and reflects pervasive industry recognition of the benefits to subscribers of such designs. The benefits of channel groupings to subscribers in turn benefit cable operators to the extent that improved subscriber satisfaction enables operators to more effectively retain customers that might otherwise switch to competing distributors. In addition, to the extent that grouping channels by genre encourages greater viewing of networks within the neighborhood and/or "sampling" of networks in the neighborhood that

³ Egan Declaration at ¶ 28.

⁴ Moreover, I am not so disdainful of the programming strategies and practices of Comcast (the nation's largest MVPD and a leader in industry innovation) as to imply that they are in essence antiquated.

were previously unfamiliar to the subscriber, this can in turn benefit advertisers on those networks and increase the advertising value realized by both the networks and cable operators.

14. Finally, in my experience it is common knowledge within the industry that some programming networks recognize the value of channel position and actively encourage placement next to other networks in the same genre, other networks that they own, extremely popular networks and/or some combination of these. As a very basic example, these considerations (for both operators and programmers) are why it is very common to find ESPN and ESPN2 located next to each other in a channel lineup. Based on my experience as outlined above, I was not at all surprised that Professor Gregory Crawford concluded that the statistical probability of news channel groupings like those found on a large majority of Comcast systems occurring by random chance is infinitesimal. Rather, it is clear to me (regardless of any statistical analysis) that these groupings were assembled and have been maintained with a clear purpose.

II. The Potential Number and Composition of News Neighborhoods

15. Comcast asserts that having more than one news neighborhood is “fundamentally at odds with the concept of neighborhooding.”⁵ In addition, Comcast’s expert Mr. Egan concludes that “a truly effective news neighborhood might well require inclusion of two-thirds (66%) or more of the news channels.”⁶ I disagree with both of these assertions, for the reasons discussed below.

16. First, it is perfectly reasonable for an MVPD to design multiple neighborhoods featuring channels that fit within a broadly-defined genre such as news. This could occur because the MVPD seeks to segment the genre into two or more “sub-genres.” For example, sub-genres

⁵ Comcast Answer at ¶ 62.

⁶ Egan Declaration at ¶ 13.

(and, by extension, two neighborhoods) within the news category might reasonably consist of general news channels and business news channels or could be defined to include a neighborhood of news channels as distinct from a neighborhood of public affairs channels.⁷ Alternatively, multiple neighborhoods might be found in instances where some news networks are included at one level, while another group of news networks are offered at another level.

17. Second, I disagree with the suggestion that at least two-thirds of all of an MVPD's news channels must be in a single neighborhood in order for the neighborhood to be "effective" based on the neighborhood definition I presented above. In my experience, by including even a few of the most recognizable, most often viewed networks in a channel grouping, an MVPD readily establishes a destination that viewers can and do recognize as "where the news channels are." This is clearly the case with Comcast's news neighborhoods, as Professor Crawford's analysis illustrates that the four or more networks in Comcast's news neighborhoods typically consist primarily of those news networks (i.e., Fox News, CNN, HLN, MSNBC, and CNBC) that are, in my experience, most familiar to subscribers and are presently the most heavily viewed. In the context of these factors, I find the percentage of Comcast's news networks that are typically included within news neighborhoods identified by Bloomberg in Exhibit H to its Complaint to be significant, and would expect that this neighborhood composition would often be viewed as effective from the perspective of the subscriber/viewer.

18. Along with the "percentage" assertion, Comcast suggests that assessing a channel grouping's significance "must turn, in part, on whether customers, encountering a given number of news channels in adjacent channel positions, would assume that other news channels will not be

⁷ It is worth noting that the groupings in Mr. Egan's Exhibit E feature both a "News & Information" neighborhood and a "Civic" neighborhood.

found elsewhere on the system.”⁸ In evaluating this assertion, it is important to consider the fact, as described above, that Comcast’s news neighborhoods typically include the most familiar news networks. As a result, I believe it is very possible that subscribers could conclude that other news channels would not be found on the system. Beyond this, I believe the more important and relevant consideration is whether subscribers might conclude from their placement in the neighborhood that these news channels are the only news channels of value and/or that are likely to be of interest to them. (Even if subscribers might believe that some other news channels are scattered throughout the channel lineup, they may be less likely to seek out these networks since those in the neighborhood are easier to find and to surf among.) In fact, the prospect that subscribers might logically reach such conclusions or surf only within the neighborhood is a principal reason why the failure to include an independent news network in such a neighborhood is potentially so damaging.

III. What is a News Channel?

19. There are many programming networks that contain varying levels of “news” or informational content, as well as a wide range of networks that might be considered to offer “public affairs” programming. As such, it is not surprising that Comcast and Bloomberg have arrived at different conclusions in this proceeding as to what constitutes a news or public affairs channel, and as to how many such channels are carried on Comcast’s various systems. My perspectives, based on my experience in the industry, regarding several specific issues that have been raised about the definition of a news channel are presented below.

20. First, for purposes of evaluating news neighborhooding and the percentage of an MVPD’s news channels contained within a neighborhood, I believe that public, educational and

⁸ Comcast Answer at ¶ 53.

governmental access (PEG) channels should be excluded from consideration. In my experience, the manner in which these channels are programmed (and even if they are programmed in a traditional sense) varies widely from market-to-market, and they are generally not included in groupings of news channels on cable operators' channel lineups. Rather, I believe it is more appropriate to include, as Bloomberg has done, only those local or regional public affairs services (such as the California Channel and others) that are known to provide a consistent schedule of public affairs programming along the lines of the national public affairs programming delivered by the C-SPAN networks.

21. Second, I believe it is essential to exclude both foreign language news channels and high definition (HD) feeds of standard definition (SD) news channels from consideration.

22. In the case of foreign language news channels, these networks are most often included in so-called multicultural packages and/or are intentionally located with a grouping of other multicultural networks of varying genres. Thus, in my experience they would not commonly be thought of as potential candidates for a hypothetical news neighborhood even if the MVPD's goal was to include "all" news networks in the hypothetical neighborhood.

23. In the case of HD feeds, these channels are nearly always merely simulcasts (with enhanced signal quality) of the SD feed of the network, are typically located in a different part of the overall channel lineup (i.e., separate from all other SD programming), and are often available only as part of a specific HD service package that requires an HD-capable set-top receiver.

24. Third, it is my experience that sports news networks (such as ESPNNews) are commonly included in sports channel groupings. Specifically, I am aware that each of the four MVPDs that Comcast emphasizes with respect to neighborhooding places ESPNNews in its sports neighborhood rather than its news neighborhood.

25. Fourth, I considered whether networks that focus primarily on weather and weather-related programming should be considered news networks for purposes of evaluating neighborhooding. With specific regard to The Weather Channel, it is my experience that industry professionals do not generally think of this network as a “news channel.” At the same time, I recognize that weather programming does play an important role in the overall news landscape. Thus, it is my opinion that reasonable arguments can be made for both including and excluding The Weather Channel in a comparison of news channels and news neighborhoods. In contrast, I believe it is unlikely that industry professionals would include 24-hour local radar services or forecast streams that may be found on certain digital subchannels delivered by local broadcast stations (and carried by cable operators pursuant to retransmission consent obligations) in such a comparison.

26. Finally, I was asked to specifically consider the characteristics of the Current TV network. Based on my review of Current TV’s website and programming schedule, this network offers limited traditional news programming, and focuses primarily on a combination of documentary and reality programming. In my view, this programming (taken as a whole) differs substantially from the content found on the news and business news channels that are typically included in news channel groupings, as well as from the public affairs programming on networks such as the C-SPAN family. As such, I would not characterize Current TV as a news network for purposes of news neighborhood comparisons.

IV. Conclusions

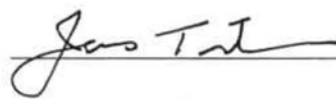
27. For all of the reasons noted above, I conclude that the Comcast news channel groupings identified by Bloomberg (i.e., those identified in Exhibit H to Bloomberg’s Complaint) are in fact news neighborhoods, and that these groupings are significant from the perspective of subscribers and, by extension, operators. Moreover, I disagree with the notions advanced by

Comcast that news neighborhoods may only exist where both a very large number and a very large majority of all of the news networks carried by an MVPD are contained within the neighborhood.

28. I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge and belief.

FOR PUBLIC INSPECTION

Dated: August 29, 2011

A handwritten signature in cursive script, appearing to read "James Trautman", is written over a horizontal line.

James Trautman

FOR PUBLIC INSPECTION

ATTACHMENT A

JAMES M. TRAUTMAN
Managing Director and Principal

Bortz Media & Sports Group, Inc.
4582 S. Ulster St., Suite 1340
Denver, Colorado 80237
303-893-9903 (Direct)
trautman@bortz.com

EXPERIENCE:

Managing Director and Principal, Bortz Media & Sports Group, Inc. (1988 to Present)

- ❑ Leads media/entertainment practice for analytically-based consulting firm.
- ❑ Expertise is concentrated in applied economic, market and competitive analysis – focusing on programming and programming networks; analysis of industry, company and product/service economics; evaluation of trends in media/entertainment market evolution; market forecasting/demand assessment; and market research.
- ❑ Extensive consulting history for a wide range of major media organizations is combined with considerable experience in expert testimony and litigation support.

Additional detail on primary areas of expertise includes:

Expert Testimony/Litigation Support

Has provided comprehensive analysis and expert testimony for multiple law firm clients including Arnold & Porter; Winston & Strawn; Manatt, Phelps & Phillips; Snell & Wilmer; Davis Wright Tremaine; Holme, Roberts & Owen; Dow, Lohnes & Albertson and Baird Holm. Support and testimony has encompassed assessment of programming and programming networks; valuation of media assets and properties; economic and market analysis of media industries, technologies and planned business ventures; analysis of industry and firm-level business practices and strategies; and design/execution of market research. Examples include:

- ❑ *United States Copyright Office.* On an ongoing basis over the past 20 years, has developed and provided comprehensive expert analysis and testimony in numerous adversarial proceedings before the U.S. Copyright Royalty Board (and its predecessors), primarily addressing the allocation of more than \$200 million in annual copyright royalties among the owners of selected television programming. During this period, my analysis and testimony has contributed to a threefold increase in the share of annual copyright royalties allocated to my primary client. Specific elements of the analysis and testimony have included the following:
 - ✓ Testimony addressing the relative market value to the cable and satellite television industries of various television programming types.
 - ✓ Testimony addressing the factors that influence the programming carriage decisions of cable operators and satellite distributors, including detailed

evaluation of carriage patterns and market considerations affecting cable networks.

- ✓ Testimony identifying and evaluating comparative metrics for assessing programming value, and identifying and evaluating marketplace transactions and their economic relevance to the proceedings.
 - ✓ Testimony addressing the evolution of and prospects for the cable and satellite industries.
 - ✓ As a basis for testimony, completion of ongoing industry level economic and market analysis that has resulted in the creation of comparative metrics indicative of relative market value, and design and management of annual market research among cable television executives.
 - ✓ 17 instances of written and oral testimony, including three appearances in two separate proceedings in 2010 and 2011.
- *Schonfeld v. Hilliard, et al.* Provided expert support, written and deposition testimony addressing the market/economic prospects for and potential value of a television programming network. Analysis detailed the operating economics of a start-up/early stage news network, as well as the market factors influencing the distribution potential, licensing value and cost structure of the network.
 - *Northland Communications Corporation et al v. MTV Networks.* Provided expert support, written and deposition testimony addressing the licensing value of several television programming networks, as well as the influence of scale economies and other industry structural characteristics on the license fees charged to various classes of programming distributors.
 - *In Re Scientific-Atlanta, Inc. Securities Litigation.* In 2008 and 2009, provided comprehensive expert support, written testimony and deposition testimony on behalf of manufacturing firm Scientific-Atlanta, Inc. (a Cisco subsidiary) in connection with ongoing class action litigation. Support and testimony evaluated cable industry financial performance, growth characteristics, technology trends, marketing practices, supplier characteristics and other factors as a basis for determining whether Scientific-Atlanta's internal growth projections and public representations during the class period were reasonable.
 - *USA v. Barford, Kalkwarf and Smith.* Provided comprehensive expert support over a three-year period on behalf of an individual defendant in connection with an action brought by the Justice Department against Charter Communications and several Charter executives. Support related to a variety of issues including subscriber growth expectations and results for Charter and the market conditions that affected those expectations.

- ❑ *Charter Communications Holding Company, LLC, and Charter Communications Operating, LLC v. DIRECTV, Inc.* Provided expert analysis, a written expert report and deposition testimony on behalf of DirecTV in connection with a false advertising claim brought against the company. This analysis evaluated the current operating performance and future operating prospects of one of the company's competitors by comparing the performance of the competitor to key industry benchmarks and the performance of its peers.
- ❑ *Alabama TV Cable, Inc. v. Locust Mountain Partners, II, LP, et al.* Provided written testimony addressing the fair market value of selected cable television systems, and rebuttal testimony discussing the economic and market factors that influence market value.
- ❑ *Gramercy Park Investments, et al v. Jones Intercable, Inc., et al.* Provided written testimony addressing the fair market value of several cable television systems.
- ❑ *Charter Communications, Inc. v. James H. ("Trey") Smith, III.* Developed written testimony addressing cable television industry business and marketing practices.
- ❑ On multiple occasions, provided expert support in similar litigation in which settlements were reached prior to submission and/or preparation of testimony.

Industry and Firm-Level Economic, Market and Competitive Analysis

Retained by dozens of major clients including A&E Television Networks, Blackstone Group, CBS, Comcast, Corporation for Public Broadcasting, Cox Communications, Discovery Communications, Disney/ABC, ESPN Networks, Gannett, Landmark Communications, MTV Networks, Ziff-Davis, Times Mirror, Time Warner, Tribune, The Washington Post Company, Major League Baseball, the National Basketball Association, the National Cable & Telecommunications Association, the Big 12 Conference, Crown Media, Scripps Networks, National Public Radio, Public Broadcasting Service (PBS) and the United States Olympic Committee (USOC). Example of projects and consulting services include:

- ❑ Provided business development support to and/or evaluated market prospects for more than 50 proposed subscription TV programming ventures and existing basic and premium television networks. Assignments have addressed both national networks and regional sports and news networks. Clients/properties have ranged from planning stage concepts (e.g., Outdoor Life – now Versus, U.S. Olympic Network) to services in the early stages of development (e.g., ZDTV – now G4, Classic Sports Network – now ESPN Classic) to widely penetrated networks such as ESPN and Discovery. Assignments have encompassed initial business planning, marketing/sales planning, affiliate contract negotiations, programming strategy and content acquisition, and service implementation.